IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3269 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NEW KISHAN CEMENT PVT. LTD.

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners

MR AKSHAY H MEHTA for Respondents

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 03/05/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Rule, service of which is waived by learned Senior Central Government Standing Counsel Mr. Akshay Mehta for the respondents. Upon consensus, following order is passed.

The Commissioner (Appeals), Rajkot has issued order on 19.3.2001 dismissing petitioner's appeal. The petitioner has filed appeal with stay application before CEGAT, Mumbai on 6.4.2001 and stay application is still pending. In the meanwhile, respondent No.3 has passed detention order on 31.3.2001 detaining raw materials and finished goods worth Rs.4,59,600/-. The amount of duty in dispute is Rs.1,26,959/- and penalty is Rs.30,000/-. As the stay application is immediately filed by the petitioner and goods detained are of value of an amount much more than the duty, penalty and interest amounts, it is directed that detention for goods of value of Rs.2 lacs shall continue till the CEGAT decides the stay application, and good of the rest of the amount shall stand released subject to final orders that may be passed by the Appellate Authority in stay application and Appeal. The CEGAT is directed to decide the stay application as early as possible, preferably within six weeks. No further coercive action to be taken in the meanwhile. Rule is made absolutely with no order as to costs.

(J.N.Bhatt, J.)

(A.M.Kapadia, J.)
(vjn)